

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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<b>IN RE:</b>	:	CHAPTER 13
Thomas Joseph Farrell, Jr	:	
Debtor	:	No. 22-12497-MDC
v.	:	
	:	
Bristol Auto Mall	:	
Defendant	:	

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**MOTION FOR TURNOVER AND FOR SANCTIONS FOR VIOLATION OF THE  
AUTOMATIC STAY UNDER 11 USC SECTION 362**

Debtor, Thomas Joseph Farrell, Jr, by and through Attorney Brad J. Sadek, hereby brings this Motion for Turnover and for Sanctions for Bristol Auto Mall's Violation of the Automatic Stay and in support thereof, avers as follows:

1. Debtor, Thomas Joseph Farrell, Jr., is an adult individual with an address of 2218 E. Cumberland Street Philadelphia, PA 19125.
2. Defendant, Bristol Auto Mall, is a business located at 7402 Bristol Pike Levittown, PA 19057.
3. Debtor filed an Emergency Chapter 13 Petition on September 19, 2022.

**COUNT I – WILLFUL VIOLATION OF THE AUTOMATIC STAY**

4. Prior to the filing of the Bankruptcy, the debtor purchased a 2009 GMC Yukon with 115,000 miles for an estimated amount of \$32,256.00 as financed by Car Capital Servicing, LLC.
5. Prior to October 4, 2022, Car Capital Servicing, LLC revoked the finance agreement and notified Bristol Auto Mall of the same.
6. On October 4, 2022, an individual on behalf of Defendant reached out to Debtor's attorney to confirm representation and to obtain case information which included the debtor's intention to retain the vehicle. See "Exhibit A."
7. On October 11, 2022, Bristol Auto Mall repossessed the debtor's vehicle.

8. On October 11, 2022, the debtor's filed Chapter 13 Plan detailed the vehicle's treatment through the plan, which included the debtor's intention to pay for the vehicle in full through the Chapter 13 Plan.
9. To date, Defendant has not filed a Proof of Claim.
10. To date, Defendant has not filed a Motion for Relief from the Automatic Stay.
11. Defendant's repossession of the debtor's vehicle constitutes a willful violation of the Automatic Stay.

#### COUNT II – LOSS OF INCOME

12. This case was filed as an Emergency in direct defense against a pending repossession of Debtor's co-owned vehicle to which there is an attached lien with outstanding arrears.
13. The debtor purchased the 2009 GMC Yukon prior to the bankruptcy filing so that time in the shared vehicle would no longer be split between themselves and their spouse.
14. The purchase of the second vehicle served as a reliable means for the debtor to travel for work, which at times, requires the debtor to travel to multiple locations in one day.
15. It is expected that the debtor made a down payment in order to qualify for vehicle financing through Car Capital Servicing, LLC.
16. The debtor did not anticipate Car Capital Servicing, LLC to terminate their financing agreement upon notice of the Bankruptcy as such is not considered typical practice in either field and prepared for such through the payment of the vehicle in full through the Chapter 13 Plan.
17. The debtor has suffered loss of time and loss of income in addition to the added mental distress from an action not typically anticipated in Bankruptcy matters, which resulted in a higher monthly Trustee payment.
18. Defendant acted improperly and are liable for any damages, attorney fees, costs, and punitive damages for this Motion and the violation of the Automatic Stay.

WHEREFORE, Debtor, by and through their attorney, respectfully request this Honorable Court to:

- a) Order Defendant forthwith to turnover Debtor's vehicle directly to the debtor;

- b) Order Defendant to file a Proof of Claim in order to receive direct disbursements from the Chapter 13 Trustee;
- c) Find that Defendant is in contempt of Court for violating 11 U.S.C. § 362 & 542;
- d) Award Debtor damages of \$10,000.00 in addition to the return of their vehicle pursuant to 11 U.S.C. § 105(a) & 362(h), for attorney fees and the awarded punitive damages for this complaint;
- e) Order such other relief as is just and proper.

DATE: October 12, 2022

/s/Brad J. Sadek, Esq.  
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